

# Miami-Dade County Office of Capital Improvements (OCI) Professional Services Division

**Equitable Distribution Program (EDP) Training Workshop 2009** 



# Office of Capital Improvements (OCI) Professional Services Division Equitable Distribution Program (EDP) Training Workshop 2009

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The BCC established the EDP program for local qualified Architects, Landscape Architects & Engineering professionals through Administrative Order 3-33, Acquisition of Professional Services in 2002.

The primary program objectives are to increase contracting opportunities for qualified community based A & E firms as well as afford County department's access to qualified professionals in an expedited fashion without necessitating a formal solicitation process.

The EDP program established a pool of local A & E professionals and a centralized rotational process to equitably distribute small capital improvement design projects.

All local Architectural & Engineering (A&E) firms, regardless of size, may potentially participate in the EDP program. The Community Business Enterprise (CBE) program does not apply to the EDP.

OCI is responsible for the implementation and administration of the EDP Program.



All County agencies' utilize the EDP pool for their small capital improvement projects which meet the thresholds established in Florida Statute 287.055, unless provided otherwise by the County Manager.

Effective July 1, 2009, Florida Statute 287.055 thresholds for continuous services contracts increased from an estimated construction cost of less than one million dollars (\$1,000,000) to two million (\$2,000,000)

And for study, planning and other activities increased from fifty thousand dollars (\$50,000) in fees to two hundred thousand (\$200,000).

The EDP provides for all A&E services in most of the County's Technical Certification Categories except for Surveying and Testing. These services are available through the Public Works Department pool contracts.



All EDP firms are required to maintain the legislated eligibility requirements as well as comply with the program policies and procedures.

### **Currently the eligibility requirements are as follow:**

- The firm must have active Pre Qualification Certification (PQC) with the County.
- The firm is required to be in business for a minimum of one (1) year and may be required to have a place of business in the County.
- A business owner, alone or as a member of a group, shall own or control only one (1) firm including affiliates in the EDP.
- An individual design professional can only qualify one (1) firm pursuant to the respective Licensing Governing Boards of the State of Florida.
- Firms shall submit an affidavit affirming three (3) years past history of dollars awarded and paid for by the County as a prime and /or sub consultant.



### **Currently the eligibility requirements (cont)**

- EDP firms issued a service order are required to submit appropriate utilization reports to the user department on all new and existing County contracts, including new work authorizations issued after the effective date of the EDP continuing contract.
- Upon written notice, a firm shall execute the EDP agreement and submit the required documents and insurance certificates within ten (10) calendar days or lose their position in the EDP listing for a period of one hundred and eighty (180) days.
- Firm will be required to increase their professional liability from \$250,000 to \$500,000 to be assigned a project with an estimated construction cost greater than one million in construction cost.
- Firms must timely notify OCI of any firm changes. All EDP correspondences and emails are directed <u>only</u> to the designated firm contact.



### **EDP FIRMS**

- When a firm enters the EDP program, they are ranked in all of the categories for which the firm is technically certified.
- A firm's position in a technical pool is determined by a firm's rotation value (RV). The RV is calculate from firm's past three years of County project awards and monies received for professional services as a prime and/or sub consultant. The RV formula is detailed on the OCI website.
- The OCI EDP website <a href="http://www.miamidade.gov/OCI/">http://www.miamidade.gov/OCI/</a> is a firms EDP resource for general program information, firm and projects reports, procedures and forms.
- The EDP Firm report lists firms in rotational order for each technical category and the EDP Work Assignment report list the EDP projects by department. The reports are updated quarterly. The Firm report reflects a firm's standing in a particular TC area, however, the positions could change everyday. The Small Business Development (SBD) work history database directly feeds to the EDP database in real time.

# **EDP Web Page**

# http://www.miamidade.gov/OCI/

# Reports, Forms and Procedures





# **EDP – Web Page**





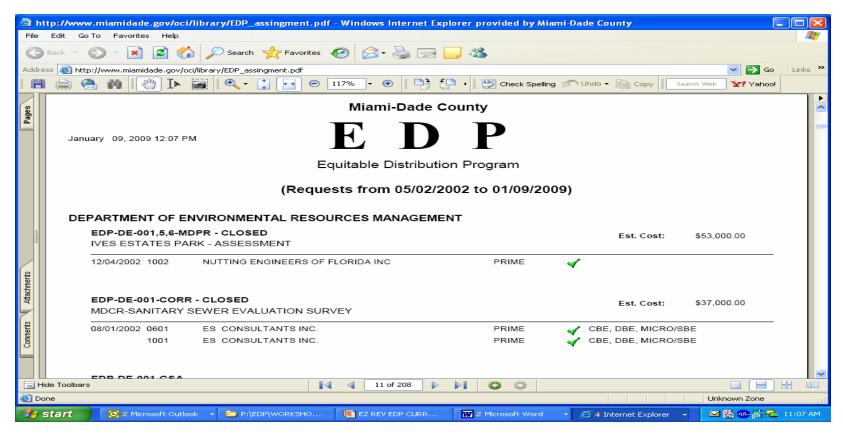
# **EDP – Web Page**







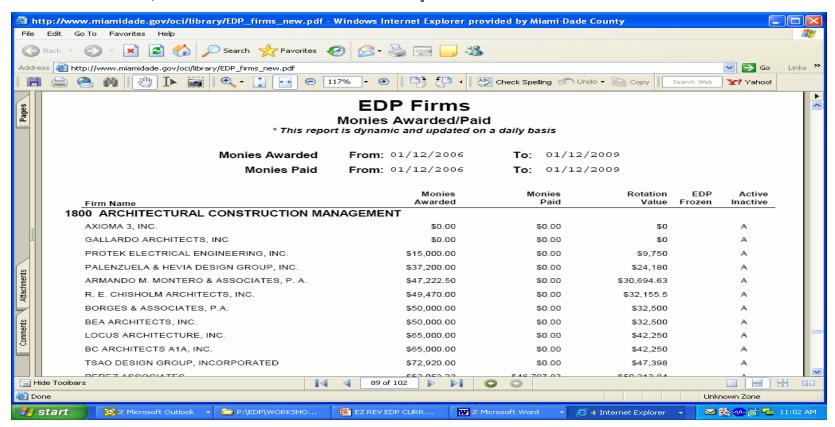
# **EDP – Work Assignments**



### **EDP Firms**



The report lists, by technical category, all active firms in rotational value order, as of the date of the report.







### **PROGRAM STATS** since the commencement of the program in July 2002:

- Over 400 firms have been placed in the program
- Currently there are 380+- active EDP Firms including 61 new participants
- +1,300 EDP work assignments have been distributed with potential fees of \$60,000,000.
- 273 EDP firms have participated on EDP work assignments.
  Over 85% of these firms are CBEs.



The County adopted a SUSTAINABILITY POLICY (Implementing Order 8-8) in 2008.

EDP projects must comply with the County's sustainability standards if applicable.

- New Construction: All new construction projects shall be required to attain "Silver" or higher level rating under the LEED -NC Rating System.
- Major Renovations & Remodels: All major renovations/remodels shall attain "Certified" or higher level rating under the LEED-NC Rating System.
- Non-major Renovations/remodels: All non-major renovations/ remodels begun shall attain "Certified" or higher level rating under the appropriate LEED Rating System such as LEED-NC, LEED-EB or LEED-CI.
- Renovation, remodels, and other building upgrades not meeting the above criteria are encouraged to incorporate the maximum number of LEED-approved green building practices as are feasible from a practical and fiscal perspective; however, LEED certification will not be required.



### **SUSTAINABILITY (Implementing Order 8-8)**

Substitution of Standard: the requirement for applying the appropriate LEED standard under any of the above-referenced categories may be exempted or modified due to special circumstances of the project. Such exemption or modification shall be for the express purpose of ensuring the use of the most appropriate or relevant rating standard, and shall not, in any way, exempt the requirement to apply green building practices to the maximum extent possible. This substitution process shall be administered by and through the Sustainability Manager.

Firms should work with Department Project Managers to maximize the incorporation of green building practices.

Many Departments have all ready developed guidelines and specifications for the use of green building materials, reduced site disturbances and construction debris controls, increased water and energy efficiencies, heat island reductions, at a minimum new roofs must comply with the FPL incentive and rebate program, building commissioning, etc....



### **EDP REQUESTS**

- Department submit an EDP Request Form (RF) to OCI for assignment of appropriate design professionals from the Pool. The Request Form requires basic project information such as the scope of work, required technical certification/s and estimated project fees.
- OCI reviews the form for completeness and processes the request through the EDP database for the next available (3) prime firms based on their ranking in the Pool within the requested technical certification categories.
- OCI will then forward the project Selection Form (SF) listing the next 3 qualified prime firms to the department.
- Project selections, negotiations and services are then conducted by the User Agency directly with the consultants.
- OCI project communications are typically only with the Department PM.



### PRIME FIRM SELECTION

- The User Department evaluates the (3) Primes list on the Selection Form and determines the most qualified firm for the project. Departments must document the factors utilized to determine their prime firm selection.
- Fees should not be considered in the selection process.
- The selection process may include telephone interviews and/or meetings with the firms, review of the firm's qualifications and specific experience in the area of work, availability of necessary staff for the task, inquiries with other Departments that have utilized the firm as well as review of Past Performance Evaluations.
- When Departments notify OCI of their prime selection, the estimated project fee will be assessed to the prime firm's award record.
- Firms are inactivated from the rotation for a maximum of 10 days while under consideration for an assignment.



- Firms that do not have an active PSA are required to submit the PSA documentation including insurance within ten days from notification of a work assignment or risk loosing the assignment and possibly being inactivated in the program for up to 180 days.
- The typical County processing time for the EDP PSA, provided all the necessary documents are submitted timely is 20 days.
- During this time, Departments should proceed with proposal submittals, EDP sub selection process if applicable, negotiations....
- If a Department needs to commence services in less than 30 days, they can provide an explanation to OCI and request a list of firms with an executed PSA.
- Departments should not finalize/issue work authorization to a consultant until OCI has confirmed that the contract and insurance is approved.



# SUB CONSULTANT SELECTION (if applicable)

- Once the prime is selected, OCI will generate the lists of necessary subs for the prime's consideration.
- The selected Prime must select sub consultants through the EDP sub selection process.
- The Department Project Manager (PM) will provide the prime with the project Selection Form listing the next 4 firms for each requested sub consultant technical category.
- If the listed firms are not responsive to the prime's inquiries or indicate they are not interested, the firm should notify the PM. Then the Department will address the issue with OCI. OCI will provide the additional sub firms for the prime's consideration and if necessary directly assist a firm in securing appropriate subs.



- Firms are not allowed to utilize non EDP firms and/or EDP firms for any professional services that were not selected through the EDP sub consultant selection process. The only professional firms authorized to participate on an EDP project are those listed on the EDP Project Assignment Form.
- Utilizing other professionals or firms as well as non employees for professional services or providing the services internally when the firm is not technically certified in the technical service area IS NOT permitted and could result in a firm's removal from the program and/or non-payment for services rendered.
- Firms may be inactivated from the EDP program if they utilize non EDP authorized professionals



### **WORK AUTHORIZATION**

- As soon as the sub/s are determined, the prime should notify the User Agency
- Pursuant to the EDP PSA terms, all services provided by sub consultants shall be pursuant to appropriate agreements between the parties.
- The PM will notify OCI of the firm selections. OCI will finalize the team authorized team assignment and forward the Department the Assignment Form and a copy of the prime firm's active EDP PSA.
- Once the negotiations are completed, the Department must have the project participants complete the OCI Project Agreement Form (AF) and forward to OCI with a copy Department's work authorization.



### **WORK AUTHORIZATION**

- If the negotiations fail and the User Department does not choose to negotiate with the next available firms, the User Department is required to notify OCI with a request for additional firms and a comprehensive explanation for OCI's consideration.
- Upon receipt of the executed OCI Project Assignment Form and a copy of the Work Authorization, OCI will update the EDP project database and the firm's award records will be updated accordingly.
- Any deviation from the Assignment Form such as the initial authorized fee must be approved by OCI. Upon approval OCI will provide written approval to the PM and a revised Assignment Form.



### **PROJECT SERVICES**

- The User Department oversees the work performed under the executed Work Authorization.
- Departments are responsible for processing pay requests timely for all services rendered and verify that the firm's insurance is in compliance prior to payment.
- EDP Utilization Reports are required to be submitted by the consultant with invoices if the project fee is greater than \$100,000. For projects less than \$100,000, only the EDP Close Report is required to be completed at the completion of the EDP assignment and acts as the final Utilization Report for all EDP assignments.
- If the prime is not abiding by their service order obligations such as schedule, Departments will address right away with the firm. If the problem(s) persists, Departments will contact OCI to assist them with addressing the issue(s) and potential consequences with the consultant.





### **Assignment and Agreement Form**

E D P

Firms and Departments are required to complete the form.

Equitable Distribution Program ASSIGNMENT AND AGREEMENT FORM OCI Office of Capital Improvements Miami-Dade County 305-375-0001 09/26/2007 PUBLIC WORKS DEPARTMENT CALLE, JOSE EDF-DUMP-WORKSHOP NW 1 ST ROADWAY IMPROVEMENTS Scope of Work Prime Sub Required Forward the completed Assignment and Agreement Form with a copy of the Service Order to OCI Selected PRIME Firms T.C. = 0302, 1600 Contact Name Phone# 305-270-7800 305-279-2581 JOAQUIN FERRER Selected SUBCONTRACTING Firms Group 1 T.C. = 0310 Authorizing Representative CALLE, JOSE Name of Project Manager WALKER, JAY Department Designee Please forward all information and questions to Elizabeth "Biba" Zabowski. OCI biba@miamidade.gov Fax 305-350-6265 Tel 305-375-2824 111 NW First Street, SPCC, 21st Floor, Miami, Florida 33128

OCI Office of Capital Impro-	Mlami-Da	Miami-Dade County			
User Department	Project Manager	Telephone Number	Date		
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### PROJECT CONCLUSION

- Upon project completion, the Department should forward the EDP specific Close Out Utilization Report to the firm.
- The Close Out Report is required to be completed by the primes, sub consultants and Depts representatives and acts as the final utilization report. The prime and the sub should designate the total dollars paid. The prime should not subtract their subs payments from their total.
- The Department PM is responsible to forward the completed form to OCI with a copy of a final payment record.
- OCI will close out the project and forward the form to SBD to input the project dollars appropriately to each participant.
- At a minimum, one Past Performance Evaluation (PPE) is required to be completed by the PM at the completion of an EDP project.





## **Close Out Utilization Report**

Firms to complete the form and submit to the PM with the final invoice.

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Equitable Distribution Program
CLOSE OUT UTILIZATION REPORT

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Group 1										
Company Name  COUSSEE HACHEM CONSULTING ENGINEERI		THERE THE	Contact Name YOUSSEF HACHEM		Phone# 786-287-9120		Fax#			
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	Authorizing Representative		Signature		Date		Final Fee (UR)			
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	CALLE, JOSE									
Name of Project Manager		Signature		Date						
	WALKER, JAY									
	Department Designee		Signature		Date					
						Jen				
			questions to Elizabe				1			
	biba@miami	dade.gov Fa	ax 305-350-6265	Tel 308	-375-282	14				

E D P

Equitable Distribution Program
CLOSE OUT UTILIZATION REPORT

Section I

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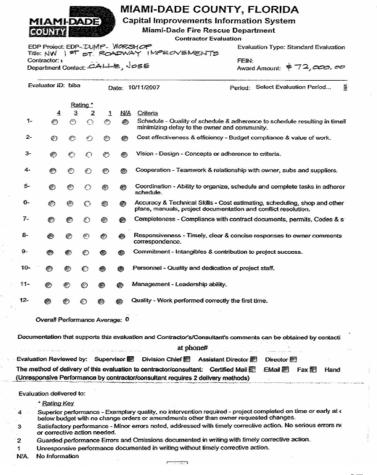


# Past Performance Evaluation (PPE) Form

At a minimum, one Performance Evaluation Form is required to be completed by the project manager of the User department at the conclusion of each EDP project.

A copy should be forwarded to the firm.

Evaluations can be utilized by the County when assessing a consultants qualifications.





### PROJECT CANCELLATION

In the event that an assignment is canceled, the User Department should notify the firm and OCI in writing within 3 days. If any payments were processed, a Close Out Utilization Report must be completed by all required parties and forwarded by the Department to OCI. OCI will cancel the project and apply any expenditure appropriately to project participants.

### CONSTRUCTION ADMINISTRATION SERVICES

- As of January 1, 2008, initial project work authorizations will not include construction management/construction administration services when the estimated project construction cost is greater than one (1) million dollars. The initial service order can include the future services (negotiated fees or not) and indicate that they will be authorized at the end of the the project design phase.
- A Phase 2 EDP project assignment will be created for CM services as required.



### **ALTERNATIVE ASSIGNMENT PROCEDURES**

Pursuant to the EDP legislation, OCI has the authority to bypass firms in the EDP rotation based on the volume of work or unique expertise requirements within a category if deemed required for the particular assignment and/or in the best interest of the County.

### The two typical alternative assignment methods are:

Requirement for a firm with special expertise. Departments provide OCI with a description of the project scope and unique expertise requirements. If approved by OCI, OCI will conduct surveys of all the appropriate participants for the special requirements.

Surveys are sent by email to the firms designated contact. Firms are advised to keep their email contact information updated with OCI to ensure they have the opportunity to review and respond to surveys.

The respondents will be considered in accordance to their pool ranking. Project numbers include a S prefix and TC 9999.

For JMH projects, the TC will be EDPJMH A or E. Firms that qualify pursuant the EDP medical facility survey will be assigned the TC(s).



### ALTERNATIVE ASSIGNMENT PROCEDURES

■ Departments requesting the services of a specific firm. A specific firm request requires a written justification memo from the requesting Department Director to the OCI Director. The request is evaluated and may also be forwarded to the Department's Assistant County Manager for comment prior to making a final determination.

Special requests are typically processed for the continuation of project services by the Architect and/or Engineer of record.

Project numbers include a SR prefix and TC 9999.



■ The EDP guidelines established in Administrative Order 3-39 are currently under review and will be modified. Once the new legislation is effective, applicants and existing participants that do not meet the newly approved program guidelines will be ineligible to continue to participate in the program until such time that they can meet the new requirements. The anticipated approval and implementation is for early next year.

### The proposed program revisions include the following:

- The firm is required to be in business performing professional services from a business address in Miami-Dade County for a minimum of one (1) year. In addition, at least one (1) licensed professional A & E full-time staff person must provide services from the Miami-Dade County office. This individual shall be the firm's EDP contact.
- Firm may be restricted to receive further assignments once it reaches over \$250,000 in active assignments, or after 10 assignments in a calendar year.
- If an existing EDP participant has not received a minimum of \$25,000 in assignment fees, they will remain in the top of the rotation above a new participant with a lower dollar value.



### The proposed program revisions (cont)

- Increase prime firms generated for a Department consideration for an assignment from 3 to an minimum of 4. At least 5 sub-consultant firms would be provided to the prime for consideration per assignment.
- A 25% Rotational Value reduction if the firm's has maintained their A & E business in Dade County for 5 years or more.
- The EDP will not be mandated as the only method for the County to obtain professional services under the Florida Statute 287.055 thresholds for continuous services with the exception of the OCI Director.
- Inactivation consequences for repeated PQC and insurance lapses could result in program inactivation for more than 30 days.



### CRITICAL ISSUES OVERVIEW

Timely notify OCI of any firm changes. All EDP correspondences and emails are directed <u>only</u> to the designated firm contact.

Maintain EDP eligibility requirements, comply with the EDP policies and procedures, timely respond to Department inquires and meet your service order obligations.

Always utilize EDP sub process for any professional sub consultant services.

Submit EDP Utilization Reports for all EDP assignments with fees greater than \$100,000 with invoices to the Agency Project Manager.

Submit a completed Close Out Form to the PM with the final invoice. The Close Out Report acts as the final utilization report for all EDP projects.

### QUESTIONS and DISCUSSIONS